

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Suzuki et al.

Serial No. 09/712,182

Filed: November 15, 2000

For: METHOD OF PROCESSING LIGHT-SENSITIVE MATERIAL



Confirmation No. 8099
Attorney Docket No. 46254

Group Art Unit: 1752

Examiner: Thornton, Y.M.

RECEIVED

TRANSMITTAL OF 37 CFR 1.137(b) PETITION

MAY 28 2004

Attn. Petitions Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

Sir:

Transmitted herewith is an Response in the above-captioned application. The fee has been calculated as shown below. *(Small entity fees indicated in parentheses.)*

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims	Rate	Fee
Total Claims	16	-	20		18.00	0
<i>(Small Entity)</i>					<i>(9.00)</i>	
Independent claims	1	-	3		86.00	0
<i>(Small Entity)</i>					<i>(43.00)</i>	
Multiple Dependent	0	-	0	0	290.00	0
<i>(Small Entity)</i>					<i>(145.00)</i>	
Extension of Time	One Month		Two Months	Three Months		
Fee	\$110		\$420	\$950		\$0
Rule 1.17(m) Petition Fee						\$1,330.00
Total						\$1,330.00

The above fees are believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0687 under the above Attorney Docket Number for which purpose this paper is submitted in duplicate. **CUSTOMER NO. 20736**

Respectfully submitted,

Paul E. White, Jr.
Reg. No. 32,011
Tel. No. 202-261-1050
Fax No. 202-887-0336

Date: **May 24, 2004**

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#11 DAC 16
A

A circular black ink stamp from the U.S. Patent & Trademark Office. The text "U.S. PATENT & TRADEMARK OFFICE" is curved along the bottom inner edge. The date "MAY 24 2004" is stamped in the center. The words "COPY" and "OF" are partially visible at the top left, and "JCS 3265" is visible at the top right.

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Sir:

A Notice of Abandonment was issued by the Patent and Trademark Office (PTO) in the above identified application on December 10, 2003, for the stated reason of applicant's failure to timely file a proper reply to the Office Action mailed on April 2, 2003. The Notice states that a reply was received on September 2, 2003 but it does not constitute a proper reply under 37 CFR 1.113 to the outstanding Office Action. The reply filed on September 2, 2003 was a Request for Continued Examination (RCE) and a preliminary amendment with Rule 132 Declaration was filed November 24, 2003. The Notice provides the following specific reason for abandonment:

“The RCE filed on 9/2/03 was improper because it failed to contain a submission as required by 37 CFR 1.114. The suspension of time filed therewith is also improper and fails to extend the response time of 6

months. The applicants paid a fee for a 2 month extension, which expired on 9/2/03. The case is now abandoned. The reply filed on 11/24/03 has not been entered because it was not timely filed.”

The RCE was entered even though the preliminary amendment was not entered. The check filed with the RCE was cashed by the PTO (copy enclosed).

The RCE included a request for three months suspension of prosecution and was filed on September 2, 2003 with a check for the \$750 RCE filing fee, \$410 fee for two month extension and \$130 fee for request of suspension of prosecution (totaling \$1,290.00). The check was cashed by the PTO. The requested suspension of prosecution would have ended December 2, 2003. Prior to the end of the suspension period, the applicants filed a preliminary amendment with a Declaration under Rule 132 that shows new and unexpected results of the presently claimed invention. However, to be effective, the preliminary amendment should have been filed along with the RCE, even though the experimental evidence had not yet been produced.

Accordingly, the applicants hereby petition for revival of this application. In compliance with 37 CFR 1.137(b), the applicant provides the following:

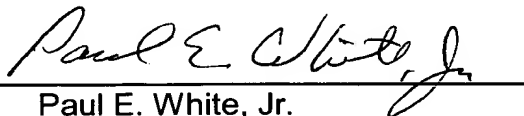
A check for the petition fee of \$1,330.00, as stated in 37 CFR 1.17(m), is enclosed herewith. Copies of the RCE (in duplicate) and cancelled check for \$1,290.00 filed September 2, 2003 with PTO dated stamped filing receipt are enclosed. Copies of the preliminary amendment, response transmittal letter (in duplicate), Rule 132 Declaration and PTO dated stamped filing receipt filed November 24, 2003 are enclosed. The following statement that the entire delay in filing the required reply from the due date until the filing of a grantable petition

pursuant to 37 CFR 1.137(b) was unintentional. Note that this application was filed after June 8, 1995 and thus the filing of a Terminal Disclaimer is not required.

Grant of this Petition and favorable consideration of this application are respectfully requested.

Respectfully submitted,

MANELLI DENISON & SELTER, PLLC

By 

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